



State of Residence/Home of Record Issues Handout



Please note that this Information Paper only provides basic information and is not intended to serve as a substitute for personal consultations with a Legal Assistance Attorney.

IF I WANT TO CHANGE MY LEGAL RESIDENCE CAN'T I JUST CHANGE MY HOME OF RECORD?

No. If you are an enlisted member, you can change your “home of record” whenever you sign a new enlistment contract. Officers can only change their “home of record” to correct an error, or after a break in service. “Home of record” is often mistaken for legal residence but the two are very different. “Home of record” is the state, territory or possession noted in military files from which the member was enlisted. This means that upon termination of service, the government will deliver the service member, his or her family, and their personal belongings to the “home of record”. At the time of enlistment, “home of record” may coincide with “legal residence”, but the two are likely to become different and remain so during the soldier’s service and lifetime. Military assignments do not change the “home of record”. A service member may not change his or her home of record unless there is a break in service of more than one full day, or a bona fide error is discovered. “Home of record” is most important for fixing travel and transportation allowances or when military service is terminated and when service members and their families are authorized a final move at government expense.

WHAT IS YOUR LEGAL RESIDENCE?

Simply put, your “legal residence” or “domicile” is the place where you have a permanent home and to which you have the intention of returning.

WHY IS YOUR LEGAL RESIDENCE SIGNIFICANT?

The state in which you are a legal resident is the only state entitled to tax your income. The Servicemembers Civil Relief Act protects soldiers from double taxation. Civilians do not have this luxury. Your state of legal residence also affects your entitlement to a variety of benefits and privileges ranging from your eligibility to vote to eligibility for resident tuition fees at state universities.

HOW CAN YOU CHANGE YOUR STATE OF LEGAL RESIDENCE?

A simple declaration is never enough. The following equation best represents the method by which you can change your legal residence:

PHYSICAL PRESENCE IN THE NEW STATE + SIMULTANEOUS INTENT OF MAKING IT YOUR PERMANENT HOME + ABANDONMENT OF YOUR OLD STATE OF LEGAL RESIDENCE = YOUR NEW STATE OF RESIDENCE.

The most important ingredient is your physical presence in the new state. You are generally required to actually reside in the new state at this time. Is that enough? No, don't stop there. Here are some other things that you should do:

1. Buy property, preferably of a residential nature.
2. Register to vote.
3. Register your automobile.
4. Obtain a new driver's license.
5. Open bank accounts.
6. Notify your old state of residence of the change.
7. Prepare a new will listing the new state as your legal residence.

HOW CAN YOU CHANGE YOUR HOME OF RECORD?

Soldiers requesting a home of record change must submit a written request with their full name, SSN and the place they want their home of record changed to. The request should include any documentation (which is not already on file in the OMPF) to support their request, in accordance with AR 600-8-104, table 5-2, item 25 and AR 601-280, Para 11-10 and table 11-1, item 3. Note that EREC cannot change the home of record listed on the ERB. The memorandum must then be sent to the following:

Officers:

Commander, U.S. Human Resources Command
ATTN: AHRC-
200 Stovall Street
Alexandria, VA 22332-0400
custsupt@erec.army.mil

Enlisted:

Commander
USAEREC
8899 E. 56th Street
ATTN: AHRC-ERP
Personnel Actions Branch
Indianapolis, IN 46249-5301
Fax: DSN 699 3685
custsupt@erec.army.mil

For further information, contact the Legal Assistance Office, Stuttgart Law Center, DSN 429-4152, Civ 0711-729-4152

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DATE: 10 July 2006

References:

EREC website: https://www.hrc.army.mil/site/erec/correction_to_the_ompf.htm

AR 600-8-104, Military Personnel Information Management/Records, table 5-2

AR 601-280, Army Retention Program, para. 11-10